

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1083

AN ACT

AMENDING SECTIONS 28-2351, 28-2403 AND 28-2405, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-2429 AND 28-2430; AMENDING SECTIONS 28-6501, 28-6991, 28-6993 AND 41-608, ARIZONA REVISED STATUTES; RELATING TO LICENSE PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2351, Arizona Revised Statutes, is amended to
3 read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for
6 each vehicle registered. At the request of the owner and on payment of any
7 required fee, the department shall provide either one or two license plates
8 for a vehicle for which a special plate is requested pursuant to this
9 chapter, except that the department shall provide one license plate if the
10 special plate is issued pursuant to section 28-2404, 28-2409 or 28-2416.

11 B. The license plate shall display the number assigned to the vehicle
12 and to the owner of the vehicle and the name of this state, which may be
13 abbreviated. The director shall coat the license plate with a reflective
14 material that is consistent with the determination of the license plate
15 commission established by section 28-2405 regarding the color and design of
16 license plates and special plates as prescribed by section 28-2405. The
17 director shall design the license plate and the letters and numerals on the
18 license plate to be of sufficient size to be plainly readable during daylight
19 from a distance of one hundred feet. In addition to the standard license
20 plate issued for a trailer before August 12, 2005, the director shall issue a
21 license plate for trailers that has a design that is similar to the standard
22 size license plate for trailers but that is the same size as the license
23 plate for motorcycles. The trailer owner shall notify the department which
24 size license plate the owner wants for the trailer.

25 C. Notwithstanding any other law, the department shall not contract
26 with a nongovernmental entity to purchase or secure reflective material for
27 the plates issued by the department unless the department has made a
28 reasonable effort to secure qualified bids or proposals from as many
29 individual responsible respondents as possible.

30 D. The license plate commission established by section 28-2405 shall
31 determine the color and design of the license plate. All other plates issued
32 by the department, except the plates issued pursuant to sections 28-2412,
33 28-2413, 28-2414, 28-2416 through ~~28-2428~~ 28-2430, 28-2452, 28-2453, 28-2454
34 and 28-2455 and article 14 of this chapter, shall be the same color as and
35 similar in design to the license plate as determined by the commission.

36 E. A passenger motor vehicle rented without a driver shall receive the
37 same type of license plate as issued for a private passenger motor vehicle.

38 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:
39 28-2403. Special plates; transfers; violation; classification

40 A. Except as otherwise provided in this article, the department shall
41 issue or renew special plates in lieu of the regular license plates pursuant
42 to the following conditions and procedures and only if the requirements
43 prescribed by this article for the requested special plates are met:

44 1. Except as provided in section 28-2416, a person who is the
45 registered owner of a vehicle registered with the department or who applies

1 for an original or renewal registration of a vehicle may submit to the
2 department a completed application form as prescribed by the department with
3 the fee prescribed by section 28-2402 for special plates in addition to the
4 registration fee prescribed by section 28-2003.

5 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
6 28-2414, 28-2416 through ~~28-2428~~ 28-2430, 28-2452, 28-2453, 28-2454 and
7 28-2455 and article 14 of this chapter, the special plates shall be the same
8 color as and similar to the design of the regular license plates that is
9 determined by the license plate commission pursuant to section 28-2351.

10 3. Except as provided in section 28-2416, the department shall issue
11 special plates only to the owner or lessee of a vehicle that is currently
12 registered, including any vehicle that has a declared gross weight, as
13 defined in section 28-5431, of twenty-six thousand pounds or less.

14 4. Except as provided in section 28-2416, the department shall charge
15 the fee prescribed by section 28-2402 for each annual renewal of special
16 plates in addition to the registration fee prescribed by section 28-2003.

17 B. Except as provided in section 28-2416, on notification to the
18 department and on payment of the transfer fee prescribed by section 28-2402,
19 a person who is issued special plates may transfer the special plates to
20 another vehicle the person owns or leases. Persons who are issued special
21 plates for hearing impaired persons pursuant to section 28-2408 and
22 international symbol of access special plates pursuant to section 28-2409 are
23 exempt from the transfer fee. If a person who is issued special plates
24 sells, trades or otherwise releases ownership of the vehicle on which the
25 plates have been displayed, the person shall immediately report the transfer
26 of the plates to the department or the person shall surrender the plates to
27 the department as prescribed by the director. It is unlawful for a person to
28 whom the plates have been issued to knowingly permit them to be displayed on
29 a vehicle except the vehicle authorized by the department.

30 C. The special plates shall be affixed to the vehicle for which
31 registration is sought in lieu of the regular license plates.

32 D. A person is guilty of a class 3 misdemeanor who:

33 1. Violates subsection B of this section.

34 2. Fraudulently gives false or fictitious information in the
35 application for or renewal of special plates or placards issued pursuant to
36 this article.

37 3. Conceals a material fact or otherwise commits fraud in the
38 application for or renewal of special plates or placards issued pursuant to
39 this article.

40 Sec. 3. Section 28-2405, Arizona Revised Statutes, is amended to read:
41 28-2405. License plate commission

42 A. A license plate commission is established. The commission is
43 composed of the following members:

44 1. Two public members who are appointed by the director of the
45 department of transportation.

1 2. A person who is appointed by the governor from the governor's
2 office of highway safety and who serves at the pleasure of the governor.

3 3. The director of the department of public safety or the director's
4 designee.

5 4. The director of the department of transportation or the director's
6 designee.

7 5. The director of the office of tourism or the director's designee.

8 6. The director of the state department of corrections or the
9 director's designee.

10 B. The director of the department of transportation or the director's
11 designee shall serve as chairman of the commission. The chairman shall
12 preside at commission meetings and coordinate the activities of the
13 commission and staff implementation of commission actions.

14 C. All official actions of the commission shall be decided by a
15 majority vote of commission members.

16 D. The commission shall determine the following:

17 1. The color and design of license plates.

18 2. The color of special plates to be the same as and the design of
19 special plates to be similar to the license plates, except for special plates
20 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416 through
21 ~~28-2428~~ 28-2430, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this
22 chapter.

23 3. Whether to authorize special organization plates pursuant to
24 section 28-2404.

25 4. The indicia for special organization plates issued pursuant to
26 section 28-2404.

27 E. The department shall provide the commission with staff and
28 technical assistance as necessary to perform its functions.

29 F. Commission members are not eligible to receive compensation, but
30 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of
31 this section are eligible for reimbursement of expenses pursuant to title 38,
32 chapter 4, article 2.

33 Sec. 4. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
34 amended by adding sections 28-2429 and 28-2430, to read:

35 28-2429. Gold star family special plates

36 A. THE DEPARTMENT SHALL ISSUE GOLD STAR FAMILY SPECIAL PLATES TO A
37 PERSON WHO SUBMITS SATISFACTORY PROOF TO THE DEPARTMENT THAT THE PERSON IS AN
38 IMMEDIATE FAMILY MEMBER OF A PERSON WHO DIED WHILE ON ACTIVE DUTY IN THE
39 UNITED STATES MILITARY. THE COSTS OF IMPLEMENTING THE GOLD STAR FAMILY
40 SPECIAL PLATES SHALL BE PAID BY THE MONIES IN THE VETERANS' DONATIONS FUND
41 ESTABLISHED BY SECTION 41-608. THE DEPARTMENT IN COOPERATION WITH AN
42 ORGANIZATION FORMED FOR THE SUPPORT OF MOTHERS WHO HAVE HAD CHILDREN DIE
43 WHILE ON ACTIVE DUTY IN THE UNITED STATES MILITARY SHALL DESIGN THE GOLD STAR
44 FAMILY SPECIAL PLATE. THE DIRECTOR MAY ALLOW A REQUEST FOR GOLD STAR FAMILY
45 SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES.

1 IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM
2 PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED
3 SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR GOLD STAR FAMILY SPECIAL
4 PLATES.

5 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
6 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
7 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

8 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
9 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
10 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
11 SECTION IN THE VETERANS' DONATIONS FUND ESTABLISHED BY SECTION 41-608.

12 28-2430. Arizona professional basketball club special plates:
13 fund

14 A. IF, BY DECEMBER 31, 2008, THIRTY-TWO THOUSAND DOLLARS IS PAID TO
15 THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL
16 ISSUE ARIZONA PROFESSIONAL BASKETBALL CLUB SPECIAL PLATES. THE ENTITY THAT
17 PROVIDES THE THIRTY-TWO THOUSAND DOLLARS SHALL DESIGN THE ARIZONA
18 PROFESSIONAL BASKETBALL CLUB SPECIAL PLATES. THE DESIGN AND COLOR OF THE
19 ARIZONA PROFESSIONAL BASKETBALL CLUB SPECIAL PLATES ARE SUBJECT TO THE
20 APPROVAL OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR ARIZONA
21 PROFESSIONAL BASKETBALL CLUB SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR
22 PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE
23 REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE
24 FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR
25 ARIZONA PROFESSIONAL BASKETBALL CLUB SPECIAL PLATES.

26 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
27 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
28 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

29 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
30 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
31 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
32 SECTION IN THE ARIZONA PROFESSIONAL BASKETBALL CLUB SPECIAL PLATE FUND
33 ESTABLISHED BY SUBSECTION D OF THIS SECTION.

34 D. THE ARIZONA PROFESSIONAL BASKETBALL CLUB SPECIAL PLATE FUND IS
35 ESTABLISHED CONSISTING OF MONIES RECEIVED PURSUANT TO THIS SECTION. THE
36 DIRECTOR SHALL ADMINISTER THE FUND. THE FIRST THIRTY-TWO THOUSAND DOLLARS
37 RECEIVED SHALL BE REIMBURSED TO THE ENTITY THAT PAID THE IMPLEMENTATION FEE
38 TO THE DEPARTMENT PURSUANT TO SUBSECTION A OF THIS SECTION. NOT MORE THAN
39 TEN PER CENT OF MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE
40 COST OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
41 APPROPRIATED. THE DIRECTOR SHALL ALLOCATE MONIES FROM THE FUND THROUGH A
42 PRIVATE ARIZONA PROFESSIONAL BASKETBALL ORGANIZATION'S FOUNDATION THAT IS
43 QUALIFIED UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE
44 FOR FEDERAL INCOME TAX PURPOSES. THE DIRECTOR SHALL FORWARD ALL MONIES

1 DEPOSITED IN THE ARIZONA PROFESSIONAL BASKETBALL CLUB SPECIAL PLATE FUND,
2 EXCLUDING ADMINISTRATIVE FEES, TO THE FOUNDATION ON AN ANNUAL BASIS.

3 E. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND
4 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED
5 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

6 Sec. 5. Section 28-6501, Arizona Revised Statutes, is amended to read:
7 28-6501. Definition of highway user revenues

8 In this article, unless the context otherwise requires or except as
9 otherwise provided by statute, "highway user revenues" means all monies
10 received in this state from licenses, taxes, penalties, interest and fees
11 authorized by the following:

12 1. Chapters 2, 7, 8 and 15 of this title, except for:

13 (a) The special plate administration fees prescribed in sections
14 28-2404, 28-2412 through ~~28-2428~~ 28-2430 and 28-2514.

15 (b) The donations prescribed in sections 28-2404, 28-2412 through
16 28-2415, 28-2417 through ~~28-2428~~ 28-2430, 28-2453, 28-2454 and 28-2455.

17 2. Chapters 10 and 11 of this title.

18 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided
19 in sections 28-5926 and 28-5927.

20 Sec. 6. Section 28-6991, Arizona Revised Statutes, is amended to read:
21 28-6991. State highway fund; sources

22 A state highway fund is established that consists of:

23 1. Monies distributed from the Arizona highway user revenue fund
24 pursuant to chapter 18 of this title.

25 2. Monies appropriated by the legislature.

26 3. Monies received from donations for the construction, improvement or
27 maintenance of state highways or bridges. These monies shall be credited to
28 a special account and shall be spent only for the purpose indicated by the
29 donor.

30 4. Monies received from counties under cooperative agreements,
31 including proceeds from bond issues. The state treasurer shall deposit these
32 monies to the credit of the fund in a special account on delivery to the
33 treasurer of a concise written agreement between the department and the
34 county stating the purposes for which the monies are surrendered by the
35 county, and these monies shall be spent only as stated in the agreement.

36 5. Monies received from the United States under an act of Congress to
37 provide aid for the construction of rural post roads, but monies received on
38 projects for which the monies necessary to be provided by this state are
39 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
40 shall be allotted by the department and deposited by the state treasurer in
41 the special account within the fund established for each project. On
42 completion of the project, on the satisfaction and discharge in full of all
43 obligations of any kind created and on request of the department, the
44 treasurer shall transfer the unexpended balance in the special account for
45 the project into the state highway fund, and the unexpended balance and any

1 further federal aid thereafter received on account of the project may be
2 spent under the general provisions of this title.

3 6. Monies in the custody of an officer or agent of this state from any
4 source that is to be used for the construction, improvement or maintenance of
5 state highways or bridges.

6 7. Monies deposited in the state general fund and arising from the
7 disposal of state personal property belonging to the department.

8 8. Receipts from the sale or disposal of any or all other property
9 held by the department and purchased with state highway monies.

10 9. Monies generated pursuant to section 28-410.

11 10. Monies distributed pursuant to section 28-5808, subsection B,
12 paragraph 2, subdivision (d).

13 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

14 12. Except as provided in section 28-5101, the following monies:

15 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
16 subsection B, paragraph 2, subdivision (e).

17 (b) One dollar of each registration fee and one dollar of each title
18 fee collected pursuant to section 28-2003.

19 (c) Two dollars of each late registration penalty collected by the
20 director pursuant to section 28-2162.

21 (d) The air quality compliance fee collected pursuant to section
22 49-542.

23 (e) The special plate administration fees collected pursuant to
24 sections 28-2404, 28-2412 through ~~28-2428~~ 28-2430 and 28-2514.

25 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
26 if the director is the registering officer.

27 13. Monies deposited pursuant to chapter 5, article 5 of this title.

28 14. Donations received pursuant to section 28-2269.

29 15. Dealer and registration monies collected pursuant to section
30 28-4304.

31 16. Abandoned vehicle administration monies deposited pursuant to
32 section 28-4804.

33 17. Monies deposited pursuant to section 28-710, subsection D,
34 paragraph 2.

35 Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to read:
36 28-6993. State highway fund; authorized uses

37 A. Except as provided in subsection B of this section and section
38 28-6538, the state highway fund shall be used for any of the following
39 purposes in strict conformity with and subject to the budget as provided by
40 this section and by sections 28-6997 through 28-7003:

41 1. To pay salaries, wages, necessary travel expenses and other
42 expenses of officers and employees of the department and the incidental
43 office expenses, including telegraph, telephone, postal and express charges
44 and printing, stationery and advertising expenses.

1 2. To pay for both:

2 (a) Equipment, supplies, machines, tools, department offices and
3 laboratories established by the department.

4 (b) The construction and repair of buildings or yards of the
5 department.

6 3. To pay the cost of both:

7 (a) Engineering, construction, improvement and maintenance of state
8 highways and parts of highways forming state routes.

9 (b) Highways under cooperative agreements with the United States that
10 are entered into pursuant to this chapter and an act of Congress providing
11 for the construction of rural post roads.

12 4. To pay land damages incurred by reason of establishing, opening,
13 altering, relocating, widening or abandoning portions of a state route or
14 state highway.

15 5. To reimburse the department revolving account.

16 6. To pay premiums on authorized indemnity bonds and on compensation
17 insurance under the workers' compensation act.

18 7. To defray lawful expenses and costs required to administer and
19 carry out the intent, purposes and provisions of this title, including
20 repayment of obligations entered into pursuant to this title, payment of
21 interest on obligations entered into pursuant to this title, repayment of
22 loans and other financial assistance, including repayment of advances and
23 interest on advances made to the department pursuant to section 28-7677, and
24 payment of all other obligations and expenses of the board and department
25 pursuant to chapter 21 of this title.

26 8. To pay lawful bills and charges incurred by the state engineer.

27 9. To acquire, construct or improve entry roads to state parks or
28 roads within state parks.

29 10. To acquire, construct or improve entry roads to state prisons.

30 11. To pay the cost of relocating a utility facility pursuant to
31 section 28-7156.

32 12. For the purposes provided in subsections C, D and E of this section
33 and sections 28-1143, 28-2353 and 28-3003.

34 B. For each fiscal year, the department of transportation shall
35 allocate and transfer monies in the state highway fund to the department of
36 public safety for funding a portion of highway patrol costs in eight
37 installments in each of the first eight months of a fiscal year that do not
38 exceed ten million dollars.

39 C. Subject to legislative appropriation, the department may use the
40 monies in the state highway fund as prescribed in section 28-6991, paragraph
41 12 to carry out the duties imposed by this title for registration or titling
42 of vehicles, to operate joint title, registration and driver licensing
43 offices, to cover the administrative costs of issuing the air quality
44 compliance sticker, modifying the year validating tab and issuing the

1 windshield sticker and to cover expenses and costs in issuing special plates
2 pursuant to sections 28-2404, 28-2412 through ~~28-2428~~ 28-2430 and 28-2514.

3 D. The department shall use monies deposited in the state highway fund
4 pursuant to chapter 5, article 5 of this title only as prescribed by that
5 article.

6 E. Monies deposited in the state highway fund pursuant to section
7 28-2269 shall be used only as prescribed by that section.

8 F. Monies deposited in the state highway fund pursuant to section
9 28-710, subsection D, paragraph 2 shall only be used for state highway work
10 zone traffic control devices.

11 G. The department may exchange monies distributed to the state highway
12 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
13 government surface transportation program federal monies suballocated to
14 councils of government and metropolitan planning organizations if the local
15 government scheduled to receive the federal monies concurs. An exchange of
16 state highway fund monies pursuant to this subsection shall be in an amount
17 that is at least equal to ninety per cent of the federal obligation authority
18 that exists in the project for which the exchange is proposed.

19 Sec. 8. Section 41-608, Arizona Revised Statutes, is amended to read:

20 ~~41-608.~~ Veterans' donations fund

21 A. The veterans' donations fund is established consisting of monies,
22 gifts and contributions donated to the department and monies deposited
23 pursuant to sections 28-2414, 28-2428, ~~28-2429~~, 28-2453, 28-2454, 28-2455 and
24 43-620. The department shall administer the fund. Monies in the fund are
25 continuously appropriated. The monies in the fund are exempt from the
26 provisions of section 35-190 relating to lapsing of appropriations.

27 B. The director or the director's designee may solicit and receive
28 donations, including in-kind donations, from the public for veterans. The
29 director shall deposit, pursuant to sections 35-146 and 35-147, the monetary
30 donations in the veterans' donations fund. Monies in the fund are subject to
31 state auditing procedures. The donations may be used for the benefit of the
32 veterans within the state of Arizona at the discretion of the director.

33 C. The director shall inventory and account for the use of any
34 tangible personal property donated to the fund.

35 D. On notice from the director, the state treasurer shall invest and
36 divest monies in the fund as provided by section 35-313, and monies earned
37 from investment shall be credited to the fund.